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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91182515
Party	Plaintiff T-Mobile USA, Inc.
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Date	04/30/2008
Attachments	ANSWER TO COUNTERCLAIM.pdf ( 4 pages )(13353 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

T-Mobile USA, Inc.,	)	
	)	Opposition No. 91182515
Opposer,	)	
	)	Mark: SYNCTOGETHER (word)
v.	)	
	)	Serial No. 77/081,277
Mark/Space, Inc.,	)	
	)	Published: August 21, 2007
Applicant.	)	

ANSWER TO COUNTERCLAIM

BOX: TTAB  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

Opposer T-Mobile USA, Inc. (“T-Mobile USA”) answers the Counterclaim of Applicant Mark/Space, Inc. (“Mark/Space”) as follows. The numbered paragraphs below correspond to those in the Counterclaim. Opposer reserves the right to amend or supplement its Answer as appropriate.

1. Opposer is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1 concerning Applicant’s business and products.
2. Opposer admits the allegations in paragraph 2.
3. Opposer admits the allegations in paragraph 3.
4. Opposer admits the allegations in paragraph 4.
5. Opposer admits the allegations in paragraph 5.
6. Opposer admits the allegations in paragraph 6.

7. Opposer admits the allegations in paragraph 7.
8. Opposer admits the allegations in paragraph 8.
9. Opposer admits that the phrase “stick together” has been used as part of a slang phrase or phrases. Opposer denies the remaining allegations in paragraph 9.
10. Opposer admits that the phrase “stick together” has been used as part of a slang phrase or phrases and that such slang phrase or phrases are familiar to some consumers in the United States. Opposer denies the remaining allegations in paragraph 10.
11. Opposer denies the allegations in paragraph 11.
12. Opposer denies that its trademark registrations “prevent the general use” of the phrase “stick together.” Moreover, the allegations in paragraph 12 of the Counterclaim contain conclusions of law to which no response is required. To the extent that any further response to those allegations is required, Opposer denies the allegations in paragraph 12.
13. Opposer denies the allegations in paragraph 13.
14. Opposer denies the allegations in paragraph 14.
15. Opposer admits that the following sentence appears on the T-Mobile.com web site: “The value of our plans, the breadth of our coverage, the reliability of our network, and the quality of our service are meant to do one thing: help you stick together with the people who make your life come alive.” Opposer denies the remaining allegations in paragraph 15.

#### AFFIRMATIVE DEFENSES

1. Applicant’s Counterclaim is barred by the doctrine of waiver and/or estoppel.
2. Applicant’s Counterclaim is barred by the equitable doctrine of laches.
3. Opposer reserves the right to add additional defenses as they become known during discovery or otherwise.

WHEREFORE, Opposer requests that the Counterclaim be rejected and that judgment be entered in favor of Opposer.

Respectfully submitted,

Dated: April 30, 2008

By: /s/Sarah Silbert

John C. Rawls  
Sarah Silbert  
Attorneys for Opposer  
T-MOBILE USA, INC.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing ANSWER TO COUNTERCLAIM was served via United States First Class Mail, postage prepaid, on the following:

Robert B. Burlingame, Esq.  
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Dated: April 30, 2008

/s/Laura Murphy  
Laura Murphy